

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF HOISTING ENGINEERS
1511 PONTIAC AVENUE
Building 70 – 2nd Floor Conference Room
Cranston, RI 02920**

TUESDAY, MARCH 11, 2008

Board Members in Attendance:

**David Burnham, Chairperson
Ellery Wood, Jr.
James Woloohojian**

Also in attendance: David Rodrigues, Investigator, Valentino Lombardi, Esquire, and

Those not in attendance: Ron D'Ambruoso, Kathy Serrecchia

David Burnham, Chairperson, called the meeting to order at 10:10 a.m.

There was no Quorum today.

There were four (4) hearings scheduled for today.

David Burnham, Chairperson, stated that since there is no Quorum, February 12, 2008 minutes and March 11, 2008 minutes will be reviewed as part of Agenda at the April Board meeting if there is a quorum. Also, the annual elections of Vice Chairperson and Secretary will be held at our April meeting if there is a quorum.

David Burnham, Chairperson explained to those people who are present for a hearing that since we do not have a quorum they can postpone the hearing until next month when we have a quorum, or testimony and facts can be taken before the Board today and the stenographer's transcript will be reviewed by those absentees of the Board, and a recommendation of the violation and fine will be made by the Board to the Director at our next Board meeting. All are welcome to come back in April.

David M. Rodrigues, RIDLT Chief Hoisting Engineer Investigator was sworn in by the Board stenographer.

1. National Grid #3346 – Thomas Teehan was present to represent National Grid and wanted to give testimony today.

David Burnham, Chairperson read the violation: Violation No. 3346, dated January 4, 2008. Violation: On Thursday, December 20, 2007, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Ramsey L. Tysdal, an employee of Michels Corporation, 817 W. Main Street, Brownsville, WI 53006, operating a hydraulic excavator without a valid RI Hoisting Engineer's license at Power Line Footings, Waites Corner Road, South Kingstown, RI. National Grid sub-contracted with Michels Corporations to perform said work. According to RIGL 28-26-12 "Investigation and Prosecution of Violations," this is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery.

David Rodrigues informed the Board that he interviewed Mr. Tysdal and asked him for a license. Mr. Tysdal did not have a license. David informed the Board that Mr. Tysdal was sent a violation and has paid the \$300. He has since sat for the Hoisting examination, passed, and he has gotten his Hoisting license.

National Grid sub-contracted with Michels Corporation and National Grid assumed that all of the employees of Michels Corporation were licensed. When National Grid became aware of the problem, the work

was stopped, and now, National Grid when contracting work out, reminds the contractor about OSHA statistics before they go out to bid and contract with anyone, to make sure people are licensed and that they follow the necessary rules and regulations. The job was finished with licensed people.

David Burnham, Chairperson, advised National Grid and Robert Maryyanek also of National Grid that the testimony given today will be under advisement and put on the agenda for next month's Board meeting. A recommendation will be made to the Director if the violation occurred and the Board will act on the monetary amount and a recommendation will be sent to the Director and the Director will have the final decision as to whether the fine is upheld, suspended for a 12-month period, pending any further violations or reduce the fine. National Grid will receive the decision in the mail. They are welcome to come back to our Board meeting next month.

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2. Michels Corporation/Michael John Faber #3345 –

David Burnham read the violation: On Thursday, December 20, 2007,

Mr. David M.. Rodrigues, Chief Hoisting Engineering Investigator, witnessed Ramsey L. Tysdal, an employee of Michels Corporation, 817 W. Main Street, Brownsville, WI 53006, operating a hydraulic excavator without a valid RI Hoisting Engineer's license at Power Line Footings, Waites Corner Road, South Kingstown, RI. According to RIGL 28-26-12 "Investigation and Prosecution of Violation," this is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery."

David Rodrigues, Chief Hoisting Engineering Investigator stated the facts again that were brought up in the previous testimony regarding National Grid. David Rodrigues stated that when he went to the job site, the attitudes of everyone was good, and Michels Corporation was in compliance.

Michael Faber of Michels Corporation stated that they did contract with National Grid, and it was an oversight when they signed in with a local union and Michels Corporation adhered to what David Rodrigues had to say.

Michael Faber asked that the fine be suspended for 12 months pending any further violations, since everyone is in compliance now.

David Burnham, Chairperson, stated to Michels Corporation/Michael Faber that they are welcome to attend our next Board meeting, and hopefully, there will be a quorum. The decision regarding the

penalties and the testimony given today; will be put on the agenda for next month's meeting for a recommendation to the Director. The final decision from the Director will be mailed to Michels Corporation/Michael Faber.

Mr. Robert Maryyanek and Michels Corporation will be notified of our next Board meeting.

3. Albert Fritts #3353 – No one is present for today's meeting. We will add this violation to next month's agenda and a letter will go out regarding a hearing for Albert Fritts to be heard at our April Board meeting. If Albert Fritts is not present at our next Board meeting, the hearing will go forward in their absence.

4. Kelley Construction, Inc. #3352 – No one is present for today's meeting. We will add this violation to next month's agenda and a letter will go out regarding a hearing for Kelley Construction, Inc. to be heard at our April Board meeting. If Kelley Construction, Inc. is not present at our next Board meeting, the hearing will go forward in their absence.

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There was no other business before the Board.

David Burnham adjourned the meeting at 11:15 a.m. Minutes respectively submitted by Elaine J. Heiss, March 11, 2008.

The next meeting of the Hoisting Board is April 8, 2008 at 10:00 am in Building #70, 2nd floor conference room, 1511 Pontiac Avenue, Cranston, RI 02920.